

Message from Bret Keast, President of Kendig Keast Collaborative
Completion of Falmouth Unified Development Ordinance
November 6, 2015

As stated in your project update, we are committed to make the best effort possible to keep costs down to complete the project. In so doing, as we discussed yesterday, we agreed to communicate often through this latter phase of work and to break the work into several smaller subtasks. We would work on and complete each subtask, deliver it, and then delay work until the Town notifies us to proceed with the next subtask. **We will notify the Town at the 50% time expenditure for each task and confirm that we are on track with completion within the estimated time or explain the discrepancy and ask for direction.** This will allow us to closely manage the remaining tasks as well as the budget for accomplishing them. Based on the remaining work, I envision these subtasks as follows:

1. Complete the **dimensional table**. A basic framework for this table has already been built. This subtask will work to revise and reformat this to be a workable table. We will devote effort to consolidating and simplifying the standards so they provide the information in a concise, understandable manner. We will also briefly outline the policy considerations to “fill in the blanks” of the table.
2. Complete the **administrative permits and procedures table**. Essentially, this will boil all the permit types and their associated processes (when required, any exceptions or exemptions, who reviews and recommends, the body responsible for approval, and cross references to the applicable sections) into a single, concise table. This will divide the Town’s permits and processes into those that are administrative and those that require public meetings and hearings. More specifically, this will also define the differences between site plan and zoning projects. It is expected that a framework will be built for this table, with our completion of as much as possible as interpreted from the ordinances, with the blanks to be completed by staff. It was agreed that we will not spend additional time attempting to interpret the regulations but instead, will forward such issues to staff to address and resolve.
3. Conduct a thorough **review and edit of Module 1**. This subtask will involve a detailed word-by-word review of the first module to include non-policy text edits, formatting (breaking long narrative into more readable bullets and establishing an improved hierarchy), highlights of administrative positions for staff to assign, identifying needed word/phrase definitions, inserting and verifying for accuracy all hyperlinked cross-references to tie the code together, and performing a quality control review.
4. Complete a **full draft of Module 2**. We were approaching completion of this module when the budget was expended. We will pick up where we left off to complete the task of reorganizing and reassembling the current ordinance content into a cohesive and intuitively organized unified code. Once this task is complete, we will go back to the beginning of this module to conduct the thorough **review and edit of Module 2**, similar to that described above.
5. **Republish the revised drafts of Modules 1 and 2 in enCodePlus**, and export them to MS Word. Once exported, staff will be responsible for final formatting and tweaking of the printed draft UDC.

The above will deliver a complete draft of the UDC.

Depending on the level of effort required to accomplish the above, with any remaining fees, upon request of the Town, we will help with the following:

1. Overseeing and providing input to the development of the:
 - a. District-Use matrix
 - b. Dimensional table

- c. Administrative permits/procedures table
2. Providing text for missing or new definitions
3. Providing editable graphics and illustrations for the code
4. Drafting a memorandum of provisions warranting repeal from the Town Code and/or rectification between the Town Code and UDC, particularly to resolve any gaps from the provisions that were extracted from the Town Code and incorporated into the UDC
5. Providing consulting advise on ways to:
 - a. Fill in the blanks in the dimensional table with missing standards
 - b. Simplify and streamline the development process, e.g. administrative approvals via limited in lieu of conditional uses, etc.
 - c. Consolidate districts and simplify the zoning map (more districts confuse the zoning map and require more rezonings)
 - d. Handle the regulation of established neighborhoods differently from new neighborhoods and to mitigate variances
 - e. Create standards to address what are now unnecessary base, special and overlay districts to untangle and simplify the district structure
 - f. Reduce the number of uses in favor of more general categories of uses with clear definitions
 - g. Draft temporary use standards
 - h. Make consistent the design and special development standards across all districts
 - i. Review and revise the sign ordinance in light of the recent Supreme Court decision (Reed v. Town of Gilbert) regarding content neutrality

Generally, we are excited about the significant progress that has been made and what's to come in the reorganization and development of a Unified Development Code. We are available to assist in the capacity necessary to help address and resolve many of the yet to be tackled (and significant) policy issues. We have managed this process for 100+ other clients so we offer a great deal of experience and expertise to help guide the Town through this process, if requested.

We look forward to the coming months to see this code come to fruition.

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